

Judge James L. Robart

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARTURO MARTINEZ BAÑOS, et al.,) No. 2:16-cv-01454-JLR-BAT

Petitioners-Plaintiffs)

v.) **JOINT MOTION TO STAY**

) **PROCEEDINGS**

ELIZABETH GODFREY, et al.,)

Respondents-Defendants.)

On April 7, 2020, and June 1, 2020, the United States Circuit Court for the Ninth Circuit issued its opinion and mandate affirming in part, reversing in part, and vacating in part this Court's order adopting Chief Magistrate Judge Tsuchida's report and recommendation on the parties' cross-motions for summary judgment, and remanding the case to this Court for further proceedings. *See Flores Tejada v. Godfrey, et al.*, 954 F.3d 1245 (9th Cir. 2020). Thereafter, on June 12, 2020, this Court issued an order asking the parties to file, within fourteen days, a joint

JOINT MOTION TO
STAY PROCEEDINGS

(Case No. 2:16-cv-01454)

Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868 Ben Franklin Station
Washington, D.C. 20044
(202) 305-7181

status report proposing how the Court should proceed on remand. The parties, by and through their undersigned attorneys of record, move this Court to stay proceedings in this case until the time to file a petition for a writ of certiorari before the Supreme Court of the United States has elapsed.

The Supreme Court of the United States issued a miscellaneous order on March 19, 2020, extending the time to file petitions for writs of certiorari. Specifically, in light of the public health concerns related to COVID-19, the Supreme Court ordered that “the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.” *Miscellaneous Order*, 592 U.S. ____ (Mar. 19, 2020).¹ The Ninth Circuit published its Opinion in this case on April 7, 2020, after the Supreme Court’s March 19, 2020, miscellaneous order. As such, the time to file a petition for a writ of certiorari in this case is still running and will not elapse until September 4, 2020.

In the interests of justice and judicial economy, the parties thus jointly ask this court to stay all proceedings in this case until September 5, 2020, when the time to file a certiorari petition before the Supreme Court has elapsed as Defendants are currently determining whether they will file a petition for certiorari in this matter. Entry of an order granting this joint request will not prejudice the class members’ interests as they will continue to receive bond hearings after 180 days of detention.

Dated: June 24, 2020

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

¹ https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf (last visited, June 23, 2020).

JOINT MOTION TO
STAY PROCEEDINGS

(Case No. 2:16-cv-01454)

Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868 Ben Franklin Station
Washington, D.C. 20044
(202) 305-7181

1 WILLIAM C. PEACHEY
2 Director, Office of Immigration Litigation

3 KATHERINE J. SHINNERS
4 Senior Litigation Counsel
5 District Court Section

6 /s/ Gladys M. Steffens Guzmán
7 GLADYS M. STEFFENS GUZMÁN
8 Trial Attorney
9 District Court Section
10 Office of Immigration Litigation
11 P.O. Box 868, Ben Franklin Station
12 Washington, DC 20044
13 Tel: 202.305.7181

14 eMail: Gladys.Steffens-Guzman@usdoj.gov

15 *Attorneys for Defendants*

16 s/ Matt Adams
17 Matt Adams, WSBA No. 28287
18 Aaron Korthuis
19 NORTHWEST IMMIGRANT RIGHTS PROJECT
20 615 Second Ave., Suite 400
21 Seattle, WA 98104
22 Tel: (206) 957-8611
23 matt@nwirp.org

24 *Attorneys for Plaintiffs*


25
26
27
28 JOINT MOTION TO
STAY PROCEEDINGS
(Case No. 2:16-cv-01454)

Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868 Ben Franklin Station
Washington, D.C. 20044
(202) 305-7181

status of this matter by no later than September 5, 2020.

JLR

DATED this 25th day of June, 2020.



JAMES L. ROBART
District Judge
United States District Court
Western District of Washington

Presented by:

GLADYS M. STEFFENS GUZMÁN

/s/ Gladys M. Steffens Guzmán

GLADYS M. STEFFENS GUZMÁN
Office of Immigration Litigation
Department of Justice, Civil Division
Trial Attorney, District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20001
Telephone: (202) 305-7181
Facsimile: (202) 305-1890

E-Mail: gladys.steffens-guzman@usdoj.gov

ORDER GRANTING
JOINT MOTION TO STAY PROCEEDINGS

(Case No. 2:16-cv-01454)